(Ireland.)

PAPERS,

PRESENTED TO THE HOUSE OF COMMONS,

RESPECTING

STATE PRISONERS

CONFINED IN KILMAINHAM GAOL,

DUBLIN.

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PAPERS, &c.

Reſpecting the State Priſoners in Kilmainham Gaol.

Copy of a LETTER from Mr. JUSTICE DALY, reſpecting the State Priſoners in Kilmainham, to His Excellency the LORD LIEUTENANT.

Dublin, July 11th 1804.

My Lord,

THE encloſed Papers which I received from Kilmainham Gaol, muſt be my apology for obtruding myſelf upon your Excellency's attention. In conſequence of a Letter written by one of the State Priſoners, named Maſon, to the Judges who ſat on the laſt Commiſſion, one of whom I was, complaining on behalf of himſelf and others of the Priſoners, of harſh and improper treatment, I thought it my duty to viſit Kilmainham Gaol, for the purpoſe of examining into the truth of the complaint; and from the imperfect inveſtigation I was able to make, the inclination of my mind is, that the grievances complained of, if they exiſt at all, are greatly exaggerated in the Memorials which I have the honour of tranſmitting to your Excellency. The reaſon which has induced me to make this communication to your Excellency directly, is, that it is the wiſh of the State Priſoners that I ſhould do ſo, under a notion, to which I am very far indeed from ſubſcribing, that it will reach your Excellency with more effect than if communicated in the ordinary way.

I have the honour to be,

&c. &c. &c.

(Signed) ST. GEO. DALY.

His Excellency
The Lord Lieutenant, &c. &c. &c.

(A true Copy.)

A. Marſden.

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Copy of a LETTER from his Excellency the LORD LIEUTENANT, to Mr. JUSTICE DALY.

Dublin Caſtle, 14th July 1804.

Sir,

I RECEIVED your Letter of the 11th Inſtant, encloſing two Memorials, which the State Priſoners in the Gaol at Kilmainham have requeſted you to tranſmit to me; though I am happy to learn that from the inveſtigation which you were able to make on your late viſit to the Priſon, there is great reaſon to believe that the complaints, if not totally unfounded, are greatly exaggerated, yet, as the Memorials have reached me through your hands, and contain matters of complaint, ſome of which (if correctly ſtated) ought to be redreſſed, I fear it will be neceſſary to trouble you to make another viſit to the Priſon, in company, poſſibly, with ſome of the other Judges; in order that a regular enquiry may be made, not only into the truth of the complaints, but into the propriety of granting to any of the Priſoners indulgences which they have been hitherto refuſed. I have therefore tranſmitted the Memorials to the Lord Chief Juſtice Downes, from whom you will probably hear further upon the ſubject.

I remain,

&c. &c. &c.

(Signed) HARDWICKE.

Mr. Juſtice Daly.

(A true Copy.)

A. Marſden.

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Copy of a LETTER from his Excellency the LORD LIEUTENANT to the LORD CHIEF JUSTICE DOWNES.

My Lord, Dublin Caſtle, 14th July 1804.

I THINK it right to communicate to your Lordſhip a Letter which I have received from Mr. Juſtice Daly, encloſing two Memorials from the State Priſoners in the Gaol at Kilmainham. From whatever quarter theſe repreſentations had reached me, I ſhould have felt it to be my duty to aſcertain, as far as poſſible, the grounds of the complaints; but having received them through ſo reſpectable a channel as that of one of the Judges of the Court of King's Bench, I ſhould wiſh (if your Lordſhip ſees no objection to my taking that courſe) to trouble Mr. Juſtice Daly, and one or two more of the Judges, to viſit the Gaol, for the purpoſe of enquiring into the truth of the allegations contained in the Memorials. The Memorial which is ſigned by Euſtace and others, is expreſſed in proper and reſpectful terms; and, ſo far as the complaint applies to the food allowed them, and to the uſe of candles, I ſhould be inclined to extend to them more indulgences than they can perhaps ſtrictly require, unleſs it ſhould appear that the indulgence had been withdrawn on account of its having been abuſed. The other Memorial is not expreſſed in terms equally moderate, though it proceeds from perſons of better education, and who from that circumſtance and from their ſituation in life, are far more criminal than thoſe who have been deluded by falſe repreſentations to adopt a conduct hoſtile to the mild Government of their country. An unreſtrained intercourſe with their friends ſeems to be entirely inconſiſtent with ſafe cuſtody, as well as with the object for which many of the Priſoners are detained.—If your Lordſhip ſhould think it right to deſire Mr. Juſtice Daly and ſome of the other Judges to enquire into the general management of the State Priſoners, and to aſcertain whether there is any juſt foundation for their complaints, and that any information ſhould be required as to the allowances which are made by order of Government, I will direct a copy of all orders which have been iſſued from the Chief Secretary's Office to be furniſhed to Mr. Juſtice Daly, if your Lordſhip ſhould think it material, with a view to the enquiry which it ſeems neceſſary to inſtitute. I cannot conclude without calling your Lordſhip's attention to the Affidavit lately made by the Gaoler, a copy of which was publiſhed in the Dublin Newspapers.

I remain, &c.

(Signed) HARDWICKE.

The Lord Chief Juſtice Downes,
&c. &c. &c.

(A true Copy.)
A. Marſden.

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Copy of a LETTER from the CHIEF JUSTICE, with REPORT of the JUDGES on their Inveſtigation of the Condition of the State Priſoners confined in Kilmainham Gaol.

Merion Square, 18th July 1804.

My Lord,

IN purſuance of your Excellency's Letter of the 14th inſtant, which I had the honour to acknowledge the receipt of on the ſame day, I applied to Mr. Juſtice Day and Mr Juſtice Oſborne to aſſiſt me in the inveſtigation deſired by your Excellency, having thought myſelf obliged, from the preſent ſtate of the health of Mr. Juſtice Daly, to decline his aid; and accordingly on Monday morning the 16th inſtant, we proceeded upon the ſubject, and continued the inveſtigation to a late hour this day, by examining the Priſoners of the firſt claſs individually upon oath, and by examining deputations of the other Priſoners, ſelected by themſelves, in like manner upon oath; and I have the honour to ſend to your Excellency herewith the depoſitions of the ſeveral Priſoners, as well as of the Inſpector, Gaoler, Butcher, and Baker, as taken before us for your further information, obſerving that the nature of the ſubject into which we were to examine precluded us from drawing information from any perſons, ſave thoſe complaining, and thoſe who were complained againſt.

I think it proper, however, to obſerve to your Excellency, that the ſtatements given by ſome of the firſt claſs of Priſoners, particularly by Mr. Long, Mr. Maſon, and Mr. Tandy, were made moſt manifeſtly under the appearance of great irritation and reſentment againſt Doctor Trevor.

Upon the whole of the inveſtigation it appeared to us that Doctor Trevor the Inſpector, Mr. Dunn the Keeper, and the Underkeepers and Turnkeys of the Gaol (with the exception of one of the latter deſcription who has been diſcharged for miſconduct) have conducted themſelves with humanity to the Priſoners; but it appeared to us that ſufficient attention has not been paid, in every inſtance, to the minuter comforts and accommodation of the Gaol; viz. no table-cloths, no towels, very indifferent attendance both in ſerving up their food, and in conducting the Priſoners to the water-cloſets, which are not acceſſible without ſuch attendance; but additional attendance for this latter purpoſe has been procured. It alſo appeared to us that the meat provided for the Priſoners was of a good quality, with ſome few and accidental exceptions; but the bread furniſhed to the Priſoners has been repeatedly of bad flour, and indifferently baked, as the Baker himſelf upon examination acknowledged, and I think it proper to ſtate to your Excellency that in our opinion it would be right to have ſome alterations made in the management of the Gaol, and ſome additional allowance made, in order to procure further and neceſſary accommodation for the following purpoſes:—

We think that ſome arrangement ought to be adopted to prevent the poſſibility of any Priſoner having occaſion to viſit the water-cloſets, being detained from having an immediate opportunity of acceſs to them; this could be accompliſhed by having one or more additional attendants employed.

The next alteration that we would recommend, is to have the victuals ſerved to the Priſoners in a more comfortable manner than they are at preſent. For this purpoſe we would recommend that the Priſoners ſhould be divided into meſſes of 10 or 12 each meſs, or into ſuch other numbers as the nature of their offences, and the knowledge that Government muſt probably have of their degrees of guilt, and of their means of effecting public diſturbance, may render it adviſable to adopt; and that each meſs ſhould be furniſhed with a cheap but clean table-cloth, metal ſpoons, knives and forks, and a change of plates, with veſſels of water in the meſs rooms:—And, in order, under the head of Diet, to prevent all further complaints, as far as may be poſſible, upon the ſubject of food, we beg leave to ſtate to your Excellency that from the nature of all ſorts of proviſions, the liability of the beſt meat, and of all malt liquor, to be affected by weather, we think that the Inſpector of the Gaol, who appears to us to give daily attendance there, ſhould be directed to be frequently preſent at the dinner of the Priſoners, to examine into the quality of the meat,

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meat, drink, water, and bread, that are daily furniſhed to the Priſoners; the cookery or mode of dreſſing thoſe victuals; the decency and propriety and ſufficiency of the attendants that ſerve up the meat; and the proper diſtribution of the meat and drink amongſt the Priſoners at the table.

Upon the ſubject of air and exerciſe for the Priſoners (concerning which many have expreſſed great anxiety) we think that they ſhould have every opportunity of indulgence in theſe reſpects as they may chooſe, conſiſtently with preventing an improper or unſafe aſſociation of dangerous men.

There are other regulations which may be adopted for the better accommodation of the lower claſs of Priſoners, ſuch as keeping fires conſtantly in the common halls to enable the Priſoners to warm their drink when neceſſary, and for other purpoſes, and alſo an allowance to them of an additional number of candles. We have ſuggeſted theſe latter circumſtances to Doctor Trevor, and, from every thing we have ſeen of his conduct, we have no doubt but that he will direct ſuch detail of ſmall accommodation of this kind to be provided for the Priſoners.

With regard to the Priſoners Maſon and Long, who are ordered into ſolitary confinement, we take for granted that Government have ſufficient reaſons for ſuch diſtinctions; but we obſerve that theſe are the Priſoners who apply the moſt irritated language, and caſt the heavieſt imputations on Doctor Trevor—imputations which we can diſcover no foundation for, or trace to any other ſource than the exaſperated ſtate of their minds, occaſioned poſſibly by the nature of their confinement, and which they probably, whether juſtly or not we cannot ſay, attribute to his repreſentations.

It appears to us that the ſum allowed by Government for the ſubſiſtence of the firſt claſs of Priſoners, is not wholly expended upon their victuals, and upon examination of the Gaoler, it appeared to us that whatever advantage he has derived from the allowance of the firſt claſs, has been counterbalanced by the deficiency of the allowance for the ſecond claſs. Poſſibly therefore it may deſerve your Excellency's conſideration, whether ſome ſmall increaſe of the allowance for the ſecond claſs might not be made, ſo as to avoid the neceſſity of incroaching on that of the firſt.

We think that the encreaſed expences of the Gaoler in procuring and ſubſiſting ſervants, and in procuring additional attendance upon the Priſoners, ought to be paid out of any other Fund than from the allowance to the Priſoners.

In ſubmitting however theſe our ſentiments to your Excellency, we think it proper to obſerve, that in making any alterations in the ſyſtem and management of the Gaol, it is of the utmoſt conſequence to the preſervation of ſubordination and good order, that the juſt and neceſſary authority of the Inſpector, Gaoler, and other Officers, ought to be moſt carefully preſerved.

We have endeavoured, with the greateſt attention, to effect the humane object of your Excellency, in procuring information of the ſtate of the Priſoners, and ſubmit the obſervations we have made to your Excellency's conſideration.

Poſſibly ſome further remarks might ariſe upon a review of the Depoſitions we have taken; but the neceſſity of my proceeding at an early hour in the morning upon my circuit, compels us, inſtead of making further obſervations, to ſubmit to your Excellency's conſideration the Depoſitions taken from the mouths of the Priſoners, and of the others whom we have examined.

I have the honour to return herewith to your Excellency the Memorials of the Priſoners that you were pleaſed to ſend to me.

I have the honour to be,

&c. &c. &c.

(Signed) WILLIAM DOWNES.

To his Excellency
the Lord Lieutenant, &c. &c. &c.

(A true Copy.)

A. Marſden.

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MEMORIALS

OF THE

STATE PRISONERS confined in *Kilmainham* Gaol.

To his Excellency PHILIP Earl of HARDWICKE,
Lord Lieutenant General, &c. &c. &c.

May it pleaſe your Excellency,

WE the underſigned, detained as State Priſoners in the Gaol of Kilmainham, beg moſt reſpectfully to repreſent to your Excellency, that we labour under a ſeverity of confinement and ill-uſage, as much without precedent in the caſe of any former State Priſoners, as it is without juſtification in any poſſible object of policy or of ſafe cuſtody, and without cauſe in the demeanour of one of us.

We continue deprived of all ſocial intercourſe, as we are of air and exerciſe ſufficient to counteract the effects of food bad in its quality, and loathſome in its ſervice. We are kept conſtantly locked up, and without attendance ſufficient even for the occaſions of nature; in ſhort, we experience a treatment rather calculated for the cuſtody of untamed beaſts, than men.

We cannot enter into a ſtatement of our many and heavy grievances: We cannot form a Memorial of them, as a permiſſion which we ſolicited to meet together, even under inſpection, for the purpoſe of addreſſing your Excellency, has been peremptorily refuſed to us by our Superintendant, Dr. Trevor, from whom we receive as anſwer to remonſtrances againſt the harſhneſs of our treatment, that it has not only a ſanction, but its origin, in the expreſs directions of your Excellency's Government; this we muſt doubt, and believe to be as great a miſrepreſentation of your Excellency's benevolence and of your Government, as it is oppreſſive to us.

We break a ſilence, under which moſt of us have ſuffered for nine months paſt, the obſervance of which was occaſioned by conſtant expectation of amelioration from that Department of your Excellency's Government to which applications have repeatedly been made by many of our Friends.

We now appeal to your Excellency, whoſe juſtice and humanity we are convinced will recoil at a ſeverity to which any plea of neceſſity, or principle of policy, refuſe a ſanction; and we pray, through an inveſtigation of our condition, opportunity to detail to your Excellency the hardſhip of it.

Kilmainham Priſon, 21ſt June 1804.

(Signed) *John Patten,*
John C. Hickſon,
Nich^s Gray,
James Tandy,
Philip Long,
M. Ferrall,
Sr John Maſon,
Henry Hughes,
Bernard Coile,
John Palmer,
W^m McDermott,
Danl Dolan,
Danl Brophy,
Thomas Cloney,

(A true Copy) *A. Marſden.*

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To His Excellency PHILIP Earl of HARDWICKE,
Lord Lieutenant General, and General Governor of Ireland.

The MEMORIAL of the underſigned, Priſoners in His Majeſty's Gaol of Kilmainham, charged with matters of Treaſon,

Sheweth,

THAT Memorialiſts have generally been able, whilſt at large, by their own induſtry, to maintain themſelves in a manner which makes their preſent treatment appear very afflicting.

That a conſtant enjoyment of many things which have thus become, in ſome meaſure, the neceſſaries of life, renders them nearly indiſpenſable.

That Memorialiſts have bread and a pint of ſmall beer for Breakfaſt; their Dinner generally freſh boiled beef, of an inferior quality, and often ſcantily ſerved; that they have alſo lately been deprived of candles. They mention this fare as a contraſt with that received ſome time back, which was—tea, bread, and butter, for Breakfaſt; ſomething comfortable, and different each day for Dinner, and a moderate quantity of punch; which treatment gave general ſatisfaction.

That very many of Memorialiſts have been confined on the Felons ſide of the Priſon for a conſiderable time, without any proviſions from the State, but kept on the common (County) allowance—two loaves per week, a pint of milk each day, and water. That they conceive themſelves as juſtly entitled to as good uſage as others, under ſimilar charges, confined here.

That Memorialiſts beg to ſtate the hardſhip they ſuffer by not having the liberty of ſeeing their Friends, except thrice a week in the preſence of a Keeper, for only 15 minutes, and they humbly requeſt that they may have the comfort of freely ſeeing and converſing with their Friends in their own apartments.

That ſeveral of Memorialiſts are far removed from all they hold dear; and many have exhauſted their reſources in heretofore providing ſuch things as they ſtood in need of at their own expence.

That Memorialiſts, therefore, humbly hope your Excellency will give ſuch order for their better treatment as to your wiſdom and humanity ſhall ſeem proper, and that your Excellency will be pleaſed to conſider that there is ſomething neceſſary to ſoften the rigours of a tedious impriſonment.—And your Memorialiſts, as in duty bound, will pray, &c. &c. &c.

Kilmainham Priſon, June 25, 1804.

(Signed)

Richd Euſtace,
Richd Scott,
Wm Andrews,
Edward Scully,
Jas Doyle,
Michl Nowlan,
Michl Mc Daniel,
Pat. White,
Michl Quigley,
N. Stafford,
W. Parrott,
John Parrott,
Michl Dalton,
John Rourke,
Chas Kane,
Arthur Develin,
Nichs Lyons,
John Galland,
Edwd Kennedy,
Bryan Rourke,
P. Maguire,
Pat. Marlay,
Martin Bourke,
Edwd Kamuſkey,
Connor Kavan,
Jas Byrne,
John Walſh,
John Harriſon,
John Doyle,
Danl Doyle,
Thos Peppard,
Peter Cullen,
Richd Doyle,
Michl Donough,
Wm Kearney,
Bryan Develin,
John Kelly,
Pat. Doyle,
Jns Mernagh,
Martin Burke,
Hugh Byrne.

*** The 13 names laſt ſigned are the Perſons who were confined for a long time without any State allowance, as mentioned before.

(A true Copy.) *A. Marſden.*

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16th July 1804.

Copy of DEPOSITIONS taken at an Examination into the Condition of the State Priſoners in the Gaol of KILMAINHAM, in the County of Dublin; purſuant to His Excellency the Lord Lieutenant's Letter to the Right Honourable the Lord Chief Juſtice of the Court of King's Bench.

KILMAINHAM GAOL, 16th July 1804.

Preſent,

The Right Honourable the Lord Chief Juſtice,

The Honourable Mr. Juſtice Day,

The Honourable Mr. Juſtice Oſborne.

Each Priſoner was examined in the abſence of Dr. *Trevor* and the Gaoler.

No previous notice was given to the Gaol, or to the Officers of the Gaol, of the intention to inveſtigate the complaints of the Priſoners.

John Patten, a Priſoner, ſworn:

Dr. *Trevor* being afterwards examined on oath, gave the explanations and anſwers noted in the margin.

HAS been confined near 9 months; was a Merchant in Partnerſhip with Mr. Colville; underſtands that there has been an allowance from Government of 3*s.* 3*d.* per day, but has not received equal to that allowance; believes what they got was equal to 1*s.* 10*d.* or 1*s.* 11*d.*—Their treatment has been better ſince the Priſoners preferred their laſt Memorial. Their victuals before that time were cut in the Corridor by the perſons who were occupied in the menial offices of the Gaol, and therefore they were very diſguſting.

They are now treated ſomewhat better.—The Priſoners dine in their rooms; there are two others in the room with him; Mr. Gray and Mr. Hickſon are now in his room; Dr. Farrell was there, but is now removed to another.

Dr. *Trevor*.—No variation; never knew of any perſons cutting the Meat but Priſoners themſelves.

The quality of their food is at times indifferent, but better now than formerly; thinks they do not get more than the value of 2*s.*

They have no reaſon to complain of their Breakfaſt.

They get a joint of meat, or part of a joint of meat for Dinner; and they have now an additional attendant, and the cleanlineſs of the attendance is improved.

Dr. *Trevor*.—Believes the Gaoler has a ſaving.

Thinks that the Priſoners of 3 or 4 rooms ought to be aired and exerciſed together, by which the Priſoners would have more time to exerciſe.

Dr. *Trevor*.—Thinks it practicable, by having a third yard for the Priſoners, that they might have more time in the air.

By contract.

Underſtands that the Gaoler provides the proviſions, but does not know whether by Contract or not.

Thinks if the Priſoners got the Government allowance, they could provide themſelves much more comfortably.

Dr. *Trevor*.—Thinks the objection to this is the danger of external communication in the upper claſs, and commuting money for Spirits by the lower claſs.

The want of Attendance was the chief thing the Priſoners complained of, previous to their laſt Memorial.

No extortion of money from any of the Priſoners by the Gaoler; never heard of a ſingle inſtance of extortion by the Gaoler; the Priſoners have intercourſe with their Friends in preſence of the Keepers, but he has permiſſion to ſee Mr. Colville and his Mother, at all reaſonable times, without any of the Officers being preſent. His room is one of the beſt rooms in the Priſon; it is kept more clean and better ſince preſenting the laſt Memorial: but the dirtieſt offices of the room are to be done by

Dr. *Trevor*.—Thinks their condition was equally the ſame before the laſt Memorial, but at

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at one time he thought there was ground for complaint, and he removed it.

Dr. *Trevor* anſwers, Certainly not now.—Corrected as ſoon as complained of.

by the ſame perſon who brings them their victuals. The man who attends him was under judgment of death; thinks 2 additional Attendants would greatly contribute to the comfort of the Priſoners; ſome of the Priſoners brought their own beds, but he found his bed ſufficient.

Thinks the people buying their own victuals, and having them dreſſed in the Gaol, would be a great convenience to the Priſoners.

Thinks the terms of the Memorial are not too ſtrong, and that they will be juſtified by a cloſe inveſtigation. As to himſelf, there were particular directions given about him, and he is better treated than others.

His treatment is the ſame with the others.

The Priſon is not locked up till nine at night; the mode of exerciſing is, that one room is let out for 1½ hours in the morning and 1½ in the evening; but when the Priſoners have to ſee their Friends during the hours of exerciſe, they loſe their turns on that day.

Priſoners are kept cloſely locked up in their rooms, ſave during the hours of exerciſe.

Has no charge to make againſt Dr. Trevor, or any of the Officers of the Gaol, for their conduct towards him.

Mr. *Gray* and Mr. *Hickſon*.

The other two Priſoners of his room are treated in the ſame manner that he is.

Thinks their Food is ſtill bad in quality, but have leſs reaſon to complain in that reſpect than they had.

Does not think they get more than at the value of 2s. per day, if the victuals were of good quality.

Admitted, but directed, if they choſe to ſend in a Memorial, that it ſhould be handed round the Priſoners for ſignatures; he would not allow them to meet together.

The Priſoners applied to Doctor Trevor to have leave to meet to frame a Memorial, but he refuſed to allow them to aſſociate, and ſaid he was ordered by Government not to permit them to aſſociate.

When the Priſoners complained of the badneſs of the Food, or want of Attendance, to Dr. Trevor, he never ſaid that Government had given orders for bad Food or bad Attendance.

In reſpect to himſelf, he has ſuffered from the filth of his room and bad attendance; and Dr. Trevor promiſed to have them altered.

He has always heard Dr. Trevor ſay, that he wiſhed to have the Priſoners accommodated as well as poſſible.

16th July 1804.

John Hickſon, ſworn.

Was in the Cloth buſineſs in Dublin, before he was committed; has frequently got very bad proviſions, victuals of the worſt quality, and ſerved in the moſt diſguſting manner.

Their Attendants are Convicts, and only one or two of them allowed to forty or fifty perſons. Has ſeen them bringing in the victuals, whilſt the perſpiration was dropping from their faces into the diſhes. Their treatment is much better ſince they preſented their laſt Memorial. Believes the Gaoler provides the proviſion, and has heard the Gaoler is allowed 3s. per day per man; heard Doctor Trevor ſay, that he got the original allowance of 5s. per day reduced to 3s. and that he had ſaved the Government £ 8. per day by the reduction: thinks they did not receive more than to the value of 1s. 10d. or 1s. 11d. They got no vegetables till within the laſt four months, except potatoes, but the potatoes were very bad.

Dr. *Trevor*.—Says that this attendance is only for the fifteen State Priſoners.

Dr. *Trevor*.—This is remedied.

Has

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Has been permitted fifteen minutes in the day, for three days in the week, to ſee his Friends in preſence of his Attendant; but for the laſt three months, when his affairs became embarraſſed, Dr. Trevor permitted his Brother to come to him twice every day, for fifteen minutes each time.

For the firſt four months he was confined in a cell of ſeven feet ſquare, ſo dark he could not read or write; ſince Chriſtmas he is in the preſent room with Mr. Patten. His bed tolerably good; they have ſeparate beds, but are obliged to ſcour and clean their own tables; they have chairs and table. The Priſoners experience great diſtreſs in not having acceſs to the neceſſary houſe. About three or four months ago he was greatly preſſed by a call of nature, and the Turnkey brought him out and locked him up in the paſſage, where there was a bucket in place of a neceſſary.

The Turnkey called to him to come out. He ſaid he would not. The Turnkey then locked the door, and ſaid he ſhould ſtay long enough. He was kept half an hour, and when the Turnkey opened it, he ſtruck the Turnkey; next day he was, by Dr. Trevor's orders, removed into a place from which he could not paſs but through the overflowing of a neceſſary, ſo as to wet his feet; he was kept there for two days, as a puniſhment for ſtriking the Turnkey. Gives the ſame account of the hours of exerciſe as the former Priſoner. A greater extenſion of time for air and exerciſe would be a great convenience to the Priſoners; that, and better proviſions, more and better attendance, would be a great relief. Thinks Dunn the Gaoler has a profit in ſupplying them with victuals.

Note—in this room were three people.

In the depth of the winter months they got but fourteen candles for a week, and ſeven per week afterwards.

No complaint for want of fire. Does not believe that Dunn the Gaoler has been in the apartments of the State Priſoners five times ſince Auguſt laſt.

The proviſions are always, till lately, of a bad quality. The proviſions were at firſt brought up upon a table in the corridore, and then each Priſoner was ſuffered to go out individually and take his ſhare; ſo that when the laſt of the Priſoners came to help themſelves, their ſhare was very bad. Has often ſeen the Turnkeys (whilſt one Priſoner was retiring, and the other letting out to the table) tear the victuals, and take them to themſelves. This mode is not now followed; the Priſoners get their proviſions to their rooms, and do not now complain of the quality or quantity of the proviſions; but the attendance is ſtill very bad.

The difficulty of getting out to the neceſſary is very diſtreſſing. Dr. Trevor has always ſaid, that the treatment of the Priſoners is by order of Government; but Dr. Trevor meant only as to the times of air and exerciſe, and confinement.

Dr. *Trevor*.—Says he ſees the Proviſions daily in the kitchen.

There is no perſon who has the ſuperintendance of ſerving the victuals. Dr. Trevor has removed the empty bottles and the remains of their beer from their rooms in the evening; and often after his time of exerciſe he has been obliged to drink cold water, even in the preſence of Dr. Trevor.

Dr. *Trevor*.—Says jars and tin veſſels are provided for their rooms, the bottles were removed to prevent the Priſoners concealing the ſpirits in them.

He has ſtated the foregoing facts, but does not make any complaint againſt any of the Officers of the Gaol.

Nicholas Gray, ſworn.

Is an Attorney; has been nearly ten months in confinement here.

An additional man got.

The keys of all their apartments being entruſted only to *one perſon*, occaſions great diſtreſs in getting out on neceſſary occaſions.

They have complained to Dr. Trevor, that their chamber-pots were not emptied.

Dr. *Trevor*.—Does not go through the rooms, but attends the Gaol every day.

Dr. Trevor viſits them about once a month, ſometimes oftener. They have no table-cloths.

Has complained of the uncleanly ſervice of their victuals to Dr. Trevor (as before ſtated) but he laughed it off.

Dr. *Trevor*—Remedied by further attendants.

Improvement in attendance, in air and exerciſe, and in quality of proviſions, would make the Priſoners much more comfortable.

Has no cauſe of complaint againſt the Gaoler, he ſeldom ſees him; never heard any charge of extortion.

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16th July 1804.

Mr. *James Tandy*, fworn.

WAS committed firſt week in November laſt—after a month's confinement was taken ill; before his confinement he was attended by Dr. Harvey; Mondays, Wedneſdays, and Fridays, his Wife and Mother were permitted for fifteen minutes each day, in preſence of Attendant, to ſee him.—Though he was ill, his Wife was not allowed to ſee him, except on the ſtated days: his Wife wrote to Dr. Trevor for leave to ſee him; his anſwer was, that it was contrary to the regulations and refuſed her permiſſion to come to him, even for two minutes. Dr. Trevor did not give him any medical aſſiſtance.—He did not apply to Dr. Trevor for medical aſſiſtance, becauſe he preferred having the aſſiſtance of the Phyſician, who knew his conſtitution.—He was ſeized with a ſuppreſſion of urine, yet his Wife was not permitted to ſee him.

Dr. *Trevor*.—Never heard of it.

Water-cloſets repaired.

He was confined in a Cell where the overflowings of a neceſſary came to the threſhold of his door—he waded above his ancles through human excrement.

Dr. Trevor was frequently in his room, and ſaw his ſituation.—He was in that ſituation from ſix weeks to two months, and was then removed to the Marſhalſea ſide of the Priſon.

Deſcribes the ſervice of the Proviſion in the Corridore in the ſame filthy manner as before ſtated.

They often rapped for two or three hours before they got to the neceſſary.—They had a bucket in the room, in which they relieved themſelves. They complained of it, and the bucket was removed to an old cheſt almoſt adjoining to their eating table in the Corridore; the bucket ſerved eighteen or twenty men.

Meat bad, ſometimes putrid, no vegetables in the winter but potatoes, and they bad.

Their allowance could not coſt more than 1*s*. 11*d*. per man.—Were permitted to get victuals of their own if they pleaſed. He was ſo permitted, and thoſe who could get their own wine, were allowed to drink a pint of wine each.

When they got their own victuals into their rooms, they dreſſed them there themſelves; their victuals are much better now than before they preſented their Memorial, but ſtill very bad;—the other day their meat muſt have been brought from Carrion Row.

His great object is to get more ſociety, and liberty to go to the yard during the day for exerciſe.

Dr. *Trevor*.—See before.

They were not ſuffered to keep their beer in bottles, Dr. Trevor refuſed to ſuffer him to keep even a bottle of water in his room,—they were not permitted to keep the ſavings of their allowance of beer and ſpirits in their rooms, but ſuch ſavings was taken away by the order of Dr. Trevor.

Mr. Dixon is in the ſame room with him, but he has permiſſion to ride out, and therefore did not join in the Memorial—but has authorized him to ſay, that his report of the quality of the victuals is the ſame as that of the other Priſoners.

Believes the arrangement and management of the State Priſoners is with Dr. Trevor.

Dr. *Edward Trevor*, examined on oath.

SAYS he was appointed in 1798 Medical Attendant of the Gaol, and Superintendant of the diet of the State Priſoners. He attends every day, ſometimes three or four times a day; after the 23d July, viſited the rooms of the State Priſoners daily, and in ſome time after eſtabliſhed an office in the Gaol—did not then viſit their rooms, feeling that it was an intruſion on the Priſoners.

He ſees the proviſions for the Priſoners every day—almoſt every day. His firſt walk almoſt every day is to the kitchen;—the daily allowance for the State Priſoners is 3*s*. 3*d*. for the better ſort, and 1*s*. 7½*d*. for the others, per man.

The

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The Priſoners have complained ſometimes that the meat is putrid; but is perſuaded that there are not more accidents to their proviſions in this Gaol, than may happen in the beſt regulated families. There is a regular kitchen and boiler in the Gaol—at firſt the Priſoners were confined in the ſmall rooms, the Debtors' ſide being full; but upon his application to Mr. Wickham, the Debtors were removed to the Marſhalſea, and the State Priſoners put into their rooms. There were complaints made to him of the dirtineſs of the attendance, and he gave immediate orders to have it prevented.

The Judges then viſited the kitchen, examined the victuals then preparing for Dinner; they conſiſted of roaſt Beef, roaſt Lamb, boiled Rump and Round of Beef, Potatoes, and Salad, all very good in their kinds, and apparently reaſonably well cooked and dreſſed.

17th July 1804.

Preſent,

Chief Juſtice,

Mr. Juſtice Day.

Philip Long, ſworn. WAS a Merchant in Dublin till his arreſt, has been in ſolitary confinement ſince laſt Auguſt. Mr. Roche and Mr. Rice have paſſes to ſee him when they pleaſe; the treatment he has received, in point of food, cannot be worſe, putrid meat, and want of vegetables; laſt winter was kept on ſalt meat and bad potatoes. The victuals are better now than heretofore; the victuals he had yeſterday were rather better than thoſe he formerly had. Dr. Trevor has not been in his room once theſe ſix months. Conſiders Dr. Trevor as the whole cauſe of the bad treatment of the Priſoners. The water was for ſeven or eight months putrid, poſitively ſtinking; it is rather better at preſent; it is good now, as good now as any water: it was heretofore mixed with the ſhores and excrement. The attendance has been exceedingly bad, only one attendant for ſixty people, who were locked up in cells for about four or five months. The bread, even now, occaſionally very bad; it was bad, very bad yeſterday. Underſtands Dr. Trevor contracts for bread. From the hour of his confinement to the preſent, he has great reaſon to complain of rigorous confinement. He had occaſion for a Dentiſt, and when attended by him had a man placed behind him, and Dr. Trevor before him, looking into his mouth; Dr. Blake was the Dentiſt who attended him; on one or two occaſions Mr. Tandy was permitted to air with him. Heard that the Attorney General deſired to be informed of any complaint from the Priſoners. He never applied to the Attorney General. Believes Dunn the Gaoler is a humane man; he has not been refuſed to get wine and ſpirits from his own houſe. He was not permitted to ſend his wine to the other Priſoners, particularly to Counſellor Maſon.

He enters his proteſt againſt the evidence to be given by the Felons who have and occaſionally do attend the State Priſoners, becauſe they are under terror. Conceives Dr. Trevor to be ſteeled againſt every tender and humane feeling, and to act altogether under the impreſſion of malignity.

Is in fear and terror of his life by the looks of the Turnkeys, particularly of one Carty, a Murderer.

He ſpeaks with the higheſt reſpect of the Government, but believes Dr. Trevor counteracts the intentions of Government.

The moſt active Agent of Bonaparte could not do more to irritate the Priſoners to madneſs than Dr. Trevor does.

Cannot ſuggeſt any mode of alleviating the condition of the Priſoners.

Swears that he entertains no ſentiment, wiſh, or opinion, which ſhould in any manner preclude him from the indulgence ſhewn to other Priſoners.

Would wiſh for more communication with the Priſoners whilſt taking exerciſe.

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Queſtion—Can he ſuggeſt any thing that would alleviate the condition of the Priſoners, conſiſtently with the ſafety of the Gaol?

Anſwer—It is a delicate queſtion.

Thinks the removal of Dr. Trevor, or an alteration in his conduct, would be uſeful. Believes ſome threat of aſſaſſination has been held to every perſon in the Gaol. The greater part of the Priſoners were kept during the winter dripping wet, without fire in their cells, in which they were kept for ſeveral days without being let out, particularly Mr. Dermot, Nephew to Mr. Conolly.

Acknowledges that he is actuated by feelings of perſonal reſentment and injury againſt Dr. Trevor, and has no objection to be confronted with him.

Forgives the avarice of Dunn the Gaoler; his avarice is ſhewn by giving bad meat, and a ſmall allowance of coals.

He has not had any bad meat himſelf, or any deficiency of coals.

Bread. Except in bread, the food in the laſt month has been much better. The bread is ſtill bad, muſty, and made of damaged flour.

The quantity of food is ſufficient. Each man of the ſolitary Priſoners helps himſelf as he pleaſes; each Priſoner is brought into the Corridore, where the joint of meat is placed, and helps himſelf, and is conducted back again.

17th July.

St. John Maſon, Eſq. IS a Barriſter.—Has been confined ſingly for the laſt two or three months.—Was firſt confined ſingly, then he was allowed to be confined with others—now is in ſolitary confinement.

As to the food of the Priſoners—They have had bad meat, and during the laſt winter ſalt meat, and in a putrid ſtate—frequently repreſented it to Mr. Trevor and to Mr. Dunn, but their complaints have not been attended to. Thinks Dr. Trevor's ſituation in the Gaol is equivocal; one as Inſpector, the other to worm himſelf into the confidence of thoſe who are weak or baſe enough to truſt him. They have had cabbage that is ſtinking—not always ſo, not frequently ſo, but at times. Till within four or five days ago they had old potatoes, and thoſe very bad. Had vegetables very ſeldom, and very ſcanty; the butter ſometimes very good, but frequently they had old and new butter mixed. They had tea and ſugar always good;—their bread half baked, brought up by a perſon in his hand without a plate, and laid on a table without a cloth. Bad water for ſeven or eight months; when the ciſtern was examined, there was filth found in it—but can't ſay whether the filth was excrement. The water now good.

No table cloth; a napkin, a rubber; the only linen they had were ſheets. The beds and ſheets cannot be complained of.

The plates were waſhed in the buckets that held the urine.—He does not ſtate this from his own knowledge. The cookery bad; they were obliged to cook in their own rooms. There is an improvement in the cookery within the laſt three weeks.

Thoſe in ſolitary confinement, four in all, help themſelves ſucceſſively and individually, ſo that the ſhare of the laſt is cold.

The dinner table in the Corridore was dirty; the bread kept in a window where there was lime, ſhoes, and blacking. A long time ago the neceſſary overflowed into the Corridore, ſo that the Priſoners walked through the excrement to eat their dinner; this was altered.

The allowance of 3*s.* being reduced to 1*s.* 11*d.* was made by Mr. Trevor.—Thinks the 3*s.* 3*d.* allowed by Government would be ſufficient for the comfort of the Priſoners. The attendance very bad—but one to ſixteen perſons. The neceſſary was in the Corridore where the table was; that made their food diſguſtful.

The Hangman of the Gaol brought up water and meſſages to the doors of the Priſoners; there was nothing improper in his behaviour. The proviſions now tolerably good; had roaſt mutton and cauliflowers for dinner yeſterday.

He

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He was one of four in the ſame room, and they were obliged to uſe a cloſe ſtool in their room before each other; they were not brought out upon natural calls to the water-cloſet below; they were at times brought out, but at other times refuſed.

Underſtood that Mr. Trevor would come up to any Priſoner who wanted him. He wrote to deſire Dr. Trevor to come to him—Dr. Trevor ſent for him to go down to his office; he diſliked the people about Dr. Trevor, and would not go to his office. His (Priſoner's) affairs were embarraſſed, and his Mother at the point of death, yet this was the time that Dr. Trevor had him ſeparated, and put into ſolitary confinement. Mr. Hickſon, Mr. Farrell, Mr. Tandy, and Mr. Gray, were then in the ſame room with him. There was a ſlight altercation amongſt them, as may happen amongſt the beſt diſpoſed men—Dr. Trevor alledges that he ſeparated Priſoner from the others at their deſire. He had ſeparated Tandy and Dickſon ſome time before; but that was a colourable pretext to prevent the ſeparation of Priſoner appearing not to be perſonal to Priſoner—There was a perſonal difference between Priſoner and Dr. Trevor. He attributed his ſolitary confinement to Dr Trevor, from motives that he (Trevor) was not bold enough to avow—Trevor threatened to put him in irons. Complains that his letters have been kept back by Mr. Trevor; Trevor has now a letter that was written to him (Priſoner) by Dr. Emmet, and has kept it ever ſince. Dr. Trevor has alſo another letter, which was written by Priſoner to Mrs. Cookſon, of Killarney, which he intercepted, and ſtill detains.

Dr. Trevor kept back a letter that Priſoner gave to him, containing a draft for payment of quit-rent to the Collector of Killarney, by which the cattle ſeized on his lands for that quit-rent were ſold.

His letters have been opened by George Dunnan, aſſiſtant to the Gaol.

As to the airing the Priſoners—ſome of thoſe who are in the ſame room, are not allowed to air and exerciſe together. About four months ago there was a myſterious conduct in the Priſoners being locked up for ſeveral hours, and no viſitors permitted, which produced great anxiety to the Priſoner.—Has had ſerious apprehenſions for his life ſince he has been put into ſolitary confinement, and believes Dr. Trevor capable of putting him to death in the practical part of his profeſſion as a Doctor.—Has written to his friends that he was comfortable in Gaol, but that was to make their minds eaſy.

Dr. Thome, his Phyſician, has been prevented coming to him.—Thinks two or three in one apartment, a common table for dining for each room or claſs, a better opportunity of exerciſe, ſomewhat of opportunity of converſing together, regular attention to the quality of the food, would remove all or moſt of the cauſes of complaint.—Imputes to the private malevolence of Mr. Trevor all they ſuffer.

The Judges inſpected the kitchen, and the victuals then preparing for Dinner. They conſiſted of roaſt beef, boiled beef, lamb, vegetables, and ſalad—all good.

17th July 1804.

Bernard Coile,
John Palmer,
Henry Hughes,
Michael Farrell,
all ſworn.

Theſe compoſe a room of the firſt claſs.

1ſt. John Palmer has been in Gaol for twelve months; is deprived of ſeeing his Family, ſave in the preſence of a Keeper, and then only for fifteen minutes at a time.—This is his greateſt grievance, and chief complaint;—as to any other complaint againſt the Officers of the Gaol, his mind is ſo engaged with regret at not ſeeing his children, that he does not think of any thing elſe.

Henry Hughes complains of want of exerciſe, being accuſtomed to exerciſe.

The manner of ſerving their victuals is really ſhocking; have but one attendant for that purpoſe, and he is the ſame perſon who cleans their room. The quality of their food is very bad. His Dinner yeſterday was a leg of lamb; it was kept too long. The butter is bad and rancid. The bread in general unfit for uſe—good bread this morning. The bread appears to be ſteeped in water.

Michael Farrell.—The ſeparation and cloſe confinement are capricious—thoſe confined in the ſame room are not permitted to exerciſe together.

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Their diſagreeable ſituation ariſes from bad houſe-keeping, rather than from a deſire of œconomy.

Mr. Coile, Palmer, and Hughes, have often dined together, and did not get enough of meat by the bone being weighed into the allowance; have complained to Dr. Trevor and Mr. Dunn, but have not been redreſſed.

Note—the Kildare Priſoners amounting to about fifty, live together, and have a yard always open to them, but are called the ſecond claſs in point of allowance.

One great alleviation would be to give the ſixteen or ſeventeen of the better ſort of Priſoners, the ſame permiſſion to exerciſe together as the Kildare Priſoners have.

Mr. Hughes ſays—Mr. Gray, Mr. Hickſon, and Mr. Patten, would be glad that Government would allow Mrs. Gray (Priſoner's ſiſter) to remain in the Gaol, to receive the ſum allowed by Government, with which they would ſupport themſelves; to have the freedom of the yard—the Hoſpital room where Dwyer lives would anſwer.

They all ſtate that the ſeparation ſeems to be capricious.

The grievances they have complained of are imputable to the Inſpector.

Dr. Trevor has frequently promiſed redreſs, but has not procured it.

The attendance is improved, but it would be neceſſary to have another attendant to take care of their rooms.—Perſons who ſleep in the ſame rooms are not permitted to dine together, or ſpeak together when at exeroiſe.

One grievance is, that the Priſoners cannot get any anſwer to their letters to the Caſtle.—Dr. Trevor is the medium through which the letters are ſent, but they do not get any anſwer.

Many letters to the Priſoners are opened by the Turnkeys. Mr. Murray's letter to a lady in England was ſhewn by the Turnkey to three of the State Priſoners in his (Priſoner's) room.—Did not mention this circumſtance to Dr. Trevor.

Mr. *Hughes.*

Mr. Palmer wiſhes to have opportunity of ſeeing his eldeſt daughter, when neceſſary for his buſineſs, and to ſpeak with her on his private affairs, without a Turnkey being preſent.

Mr. Hughes wiſhes particularly to ſee his brother-in-law, Mr. Gray, who is alſo a Priſoner.

Mr. Bernard Coile complains that he has not received any Government allowance during the time he was confined in Newgate.

He ſays his health requires other victuals than thoſe furniſhed to the Priſoners, ſuch as broth, which he has been refuſed. Dr. Farrell wiſhes to be permitted to live in the ſame room with Mr. Patten, who has a Chemical Elaboratory.

Mr. Coile ſtates, that he became a Bankrupt before his impriſonment; that there is a debt of £. 68. 2*s.* 10*d.* due to one Tute, of the Ulſter Hotel, in King-ſtreet, for the proviſions furniſhed to him whilſt in Newgate, which he has no means of paying.

Copy Letter from Mr. *Coile* to Dr. *Trevor.*

"Sir,

"On the 23d Auguſt laſt I was committed to the Gaol of Newgate by a Secretary's Warrant, and remained there until the 23d May; during which period I had *no ſupport* from Government. This diſtreſſing ſituation was rendered ſtill worſe by the ſtate of my affairs; my property being then, and ſtill (as you may ſee by the incloſed advertiſement) in the hands of Aſſignees, who ſtudied my ruin more than the advantage of my Creditors. Deprived by theſe circumſtances of every means of ſupport, I might have ſtarved were it not for the humanity of one Tute, an Hotel-man, in the neighbourhood of Newgate, who ſupplied me with what was merely neceſſary for my ſupport, from the 23d of Auguſt to the 30th March. His bill, which was at the moderate rate of 6*s.* 2*d.* per day, amounts to £ 68. 2*s.* 10*d.* only. Tute being a poor man with a large family, paying a high rent and heavy taxes, is much diſtreſſed by the want of this money, which doubtleſs Government will order to be paid,

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paid, if you, Sir, will have the goodneſs to repreſent theſe facts in your official character of Superintendant of State Priſons, and Agent for State Priſoners, who have not been ſupported as ſuch by Government.

"I am, Sir,

"Your moſt obedient Servant,

"*Bernard Coile.*"

"Kilmainham, July 13th 1804."

To Doctor Trevor. (A true Copy.)

Daniel Brophy,
Daniel Dolan,
William Mc Dermott,
all ſworn.

This party forms another room of what are called the firſt claſs.

They live in the ſame room.

Were at firſt confined in ſeparate cells.

Mc Dermott ſtates the cloſe confinement as the greateſt inconvenience, and the inconvenience of not having acceſs to the neceſſary houſes.

Brophy ſays, they have very often got bad proviſion, but is now reaſonably good. They got a bad ſhoulder of mutton laſt week, but the moment they complained of it, it was remedied; Dunn having immediately ſent ſome good beef and cabbage in place of the mutton. They have been eleven months in cuſtody; the ſtrict confinement is their greateſt grievance The proviſions in quantity and quality are good.

Mc Dermott wiſhes to leave the country and go to America. No complaint againſt any of the Officers of the Gaol. Never aſked a favour from Dr. Trevor that he did not grant. They all ſay they have no complaint againſt Dr. Trevor, or any of the Officers of the Gaol.

No table cloth, and bad attendance; the ſalad brought up in the man's hands, and thrown on the table without a plate.

Mr. *James Tandy*, brought up a ſecond time at his own deſire.

Complains that he was refuſed admiſſion to the yard yeſterday evening. Had occaſion to go to the neceſſary; Mr. Dickſon was in the room, yet he could not get out, but was prevented by the Door keeper, Henry Ware.

Mr. Hickſon was obliged to force himſelf out of his room to get at the neceſſary yeſterday evening.

Said *Henry Ware*, ſworn, Door-keeper.

Mr. Tandy did not get his time in the yard yeſterday. Thoſe Priſoners who were in the yard refuſed to leave it; and his orders were, not to allow Mr. Tandy to mix with them; therefore Mr. Tandy did not get his time yeſterday.

He attends the doors of the chambers, to open them for any Priſoners who want to go to the neceſſary. Mr. Tandy aſked him yeſterday evening to go out to the yard. He refuſed him, becauſe there were people in the yard; but there was another neceſſary that Mr. Tandy might go to. Swears that Mr. Tandy might have gone to the other neceſſary, if he choſe it;—did not receive any orders to refuſe Mr. Tandy the uſe of the neceſſary in the yard. Swears he offered the uſe of the other neceſſary to Mr. Tandy

Mr *Tandy*. Swears that if the uſe of the other neceſſary had been offered to him he would not have gone there, on account of one Carty, a hatchman, whom he feared.

Ware. Swears that Doctor Trevor's uniform orders were to accommodate the Priſoners as much as poſſible.

Mr. *Tandy*. Swears, that Ware has always behaved himſelf civilly and properly.

Ware. Swears that yeſterday evening, as he opened the door for Mr. Long to get a newspaper from him, Mr. Hickſon forced the door, and went to the yard and ſtaid there, againſt the regulations, with the other Priſoners, and remained there till the Gaol was locked.

A Letter from Mr. Tandy to Doctor Trevor, dated 7th April 1804, was produced to him,—admits it is his hand-writing. He wrote that letter when he had ſufficient air and exerciſe.

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Copy Letter from Mr. *Tandy* to Dr. *Trevor*.

" Mr. Tandy's compliments to Dr. Trevor, will be much obliged by his leaving an order for Mr. Crookſhank (a near Relation of his, and Son to the Judge) to ſee him on Monday or Tueſday; or if he would have the goodneſs to leave an order to ſee him twice.

" Mr. Tandy and Mr. Dixon feel themſelves much obliged by the regulation in reſpect to the yard; though it is not to that extent they might wiſh, yet it is furtheſt from their thoughts to attempt to dictate; their object is air and exerciſe. They muſt ſay that the Doctor's conduct, ſince they have been in confinement, has been ſuch as convinces them that every attention towards their accommodation and comfort has been exerted on his part, and feel extremely obliged to him for the ſame; and which they hope they will one day or other have an opportunity of expreſſing beyond mere words, and to the extent of their feelings.

" Kilmainham Priſon, 7th April 1804."

17th July 1804.

SECOND CLASS OF PRISONERS.

Edward Kennedy ſworn.

One of eight of the ſecond claſs—a party who have voluntarily ſeparated themſelves from the ſecond claſs.

Lived in New-ſtreet; kept a Timber-yard there; was firſt committed to Newgate; was removed to Kilmainham about 23d May laſt.

Got no ſubſiſtence-money in Newgate. When he came here, got a ſtraw pallet, ſheets, and blankets.

The diet at firſt was a pint of ſmall beer and ſome bread for breakfaſt:—The claſs of Priſoners he belonged to got the ſame. Their dinner was generally ſome freſh beef and ſome mutton: they provided ſomething more for themſelves.

They propoſed to Dunn the Gaoler to give them a joint of meat three days in the week.—Dunn ſaid he would, if Dr. Trevor approved of it; but Dr. Trevor did not agree to it. The neceſſary they had was a bucket in their cell. He ſaw the meals at ſome times ſcanty, at others enough.

Conceives he is entitled to a guinea a week for the time he was in Newgate.—Has not uſed the Gaol allowance of meat for the laſt three weeks, becauſe he would not ſit at the ſame table with people who were diſorderly; and he and eight others have their own victuals in their room.—Sometimes good meat, ſometimes ſcanty; ſometimes very bad at the table provided for the Priſoners; ſometimes boiled freſh beef that he could not eat.

Thinks the Priſoners are not treated comfortably with reſpect to their food. Has been at the table, but as the people did not know how to carve, he has ſeen a good piece of beef ſo cut as to be offenſive. Saw at different times the meat unſound, and nothing brought in its place.

The claſs to which he belongs, he heard, were at firſt provided with tea, and a good breakfaſt; then they got bread and beer, of which they complained; and now they have bread and milk, which is very good.

Has had little communication with Dr. Trevor or the Gaoler, and has no complaint to make againſt them.

If the number of fifty of his claſs were divided into three tables, it would greatly tend to their comfort—has ſeen the perſon who carved for the whole leave nothing for himſelf.

Is not able to afford to live, unleſs he gets the allowance for the time he was in Newgate.

Nicholas Stafford,
Edward Scully,
Michael Dalton,
all ſworn.

Theſe alſo are of the ſecond claſs, and were deputed to anſwer for the whole of their claſs.

Of the Second Claſs.

They were ſtruck off the firſt claſs about 10th January.—From that time they got beer for breakfaſt. He complained to Dr. Trevor that beer did not agree with him; but Dr. Trevor told him, that if he complained he would remove him to the other ſide of the Gaol.

The candle-light inſufficient, and ſo was the fire—laſt week the fire was knocked off the common hall; one fire is neceſſary, if a Priſoner was ill, to warm his drink.

Meat

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Meat of the worſt quality was given to them, and when they ſent it back they got no more till next day—often did not get enough to eat.

The people think it odd that there ſhould be ſuch diſtinction between the firſt and ſecond claſs.

Michael Dalton ſays he was afraid to complain, as Dr. Trevor charged him with writing a falſe letter to Col. Wolfe, miſrepreſenting the treatment of the Priſoners. They now get milk and bread for breakfaſt;—their claſs had at firſt tea for breakfaſt. They have leſs cauſe of complaint now than at Chriſtmas. The diet is bad; freſh beef, and once a week, mutton.—The vegetables very ſcanty.

They deſire to be put on the firſt allowance of tea, bread, and butter for breakfaſt. They were very comfortable in the ſituation they were placed at firſt.

Michael Dalton ſays, if their tables or meſſes were ſeparated, and more candle-light allowed, they would be much more comfortable.

Pat. Marlay,
John Rourke,
Wm Perrott,
Mich^l Dwyer,
Michael Nowlan,
Charles Kane,
Hugh Byrne,
Patrick Feeney,
all ſworn.

Theſe Perſons alſo were deputed by the ſecond claſs to ſpeak for the whole, and ſome of them ſaid they had particular charges to make.

Patrick Feeney complains that he has not got the Government allowance from the time of his committal in September laſt, till November, when he was put on the allowance.

Marlay complains, that he only got 11*s.* 4½*d.* per week whilſt in Newgate, which was not ſufficient—he was brought here againſt his conſent, and the half guinea a week is withdrawn, and he is put on a diet here not worth 5*s.* per week. He gets ſmall beer for breakfaſt, and boiled beef to eat, which diſagree with him. The diet he gets is ſufficient to poiſon him; he gets no tea, which he was uſed to; gets bad milk for breakfaſt now. His cell is very bad. He ſigned the Petition becauſe Dr. Trevor divided the people into claſſes He had a room in Newgate, but here he has a cell, and is locked up; where, if he was ill, he could not eaſe himſelf. The beef this day ſtunk.

☞ Note—The remainder of the beef of this day was produced, and three of the Priſoners ſwore it was ſweet and good.

Suppoſes Dr. Trevor divided the claſſes.

John Rourke complains that he was put on the allowance of beer, which he was not accuſtomed to. They have milk now; the milk is bad in its quality.

Wiſhes to have a meſs of eight, and a joint of meat to themſelves.

They complain of want of candle-light, and a fire in the common hall to boil their things—eggs, for inſtance.

William Perrot has the ſame complaint as the others.

Michael Nowlan complains that he was reduced to the beer allowance in January laſt; and is diſtreſſed by furniſhing himſelf tea and ſugar for breakfaſt.

Michael Dwyer complains that he was on the 1ſt of July reduced from the 3*s.* 3*d.* liſt. He demanded ſpirits, which he was uſed to—had an altercation with Dr. Trevor, and was put into the criminal ſide of the Gaol. Cannot eat boiled freſh meat; beſides, it is ſerved offenſively; not long ago he had a round of beef for his dinner, but there was a wooden ſkewer in it:—would like a beef ſtake, or roaſt mutton. His allowance is taken from him, and he is prevented eating with his Wife.

Confronted with Dr. Trevor.

Dr. *Trevor*, ſworn. SAYS Dwyer was at firſt put on the firſt allowance.—As ſoon as the claſſes could be diſtinguiſhed, Dwyer's Wife was permitted to live with him, but he put Dwyer into the ſecond claſs; in conſequence of this, Dwyer became pert, and he did put him on the criminal ſide. He remained there till he ſent for Mr. Hume, M.P. who adviſed Dwyer to apologize:—Dwyer did ſo, and then he reſtored Dwyer to the ſecond claſs.

Dwyer. Complains of the diet The beef is good enough, if he got it roaſted; complains that he is ſeparated in the day from his Wife, and that is a breach of his terms

The Priſoners. Say the beef is boiled freſh—very ſcanty vegetables. Dwyer deſires to have half a pint of ſpirits every day.

Hugh Byrne. Complains that he was at firſt put on the half-guinea liſt for four

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four days; then he was put on the Gaol allowance for fifteen weeks and two days; now he is on the 1s. 7½d. hft.

Charles Kane. Has the ſame complaint as the others.

John Doyle,
Pat. Doyle,
John Gallen,
Wm Kearney,
all ſworn.

John Doyle complains that he was committed on a Secretary's Warrant, and was kept on the Gaol allowance; was then put on the State allowance.

Complains of beer for breakfaſt, and beef of bad quality—The bread often bad.

He now gets milk for breakfaſt, and has done ſo for three weeks paſt.

Another deputation from the ſecond claſs.

Would wiſh to get a better breakfaſt if Government would allow it—would like tea and ſugar. Complains of the beef being boiled freſh, has often not enough; one day they got too little; they kept it to ſhew it to Dr. Trevor—He ſaid there was not enough, and that they ſhould have more next day, and they had more; but often ſince that time they had not enough; they complained to Dr. Trevor that two diſhes were not enough for one table—and Dr. Trevor had three diſhes furniſhed to them. They expreſſed the ſame wiſh to have more opportunities of ſeeing their Friends—and all deſire the tea breakfaſt.

William Kearney. Complains that he was put on the felons ſide at firſt, but Dr. Trevor removed him on his complaint.

The 18th July 1804.

Preſent,

The Lord Chief Juſtice,

Mr. Juſtice Day.

Doctor *Edwd Trevor*, ſworn. THE two Memorials of the State Priſoners, addreſſed to his Excellency the Lord Lieutenant, were ſhewn to him. Upon reading them, Dr. Trevor ſays he was applied to by the Priſoners to permit them to meet, in order to prepare their Memorials to the Lord Lieutenant, but he was not warranted to allow ſuch meeting; he, however, offered to them that their Memorials ſhould be ſent from room to room for ſignatures, and to give every facility to ſigning the ſame; and it appears that theſe Memorials were accordingly ſigned.

Says he was appointed in 1798 Inſpector and Medical Attendant in the Gaol of Kilmainham. He has taken the utmoſt pains to ſee that the proviſions for the Priſoners were of the beſt quality. He has viſited the Gaol, ſince 23d July laſt, every day; ſometimes two or three times a day. Viſited the apartments of every State Priſoner daily for ſeveral months after.—He afterwards, for reaſons that might be uſeful to the State, fitted up an office in the Gaol, in order to ſee the Priſoners there, rather than go to their rooms. Whilſt he viſited the rooms of the Priſoners he was in the habit of conveying letters from them to Government, and to their Friends; and communicating with Government on ſuch ſubjects as the Priſoners deſired. When he eſtabliſhed the office, one of the Priſoners (Mr Maſon) wiſhed to ſee him.—He (Dr. Trevor) ſent to him to come down to the office, which Maſon refuſed, and wrote to him three moſt impertinent letters. Maſon was ill ſome time afterwards, and he attended him:—told him, notwithſtanding his letters, he ſhould be treated with every humanity and attention, and took uncommon pains with Maſon, to prevent him having any cauſe of complaint, as he found Maſon to be an extraordinary ill-tempered man. On a ſubſequent viſit, after he had left Maſon's room (a letter had been delivered in the mean time to Maſon) he ſent for witneſs. Maſon was then in an outrageous paſſion, and exclaimed againſt Government. Witneſs was induced, by his language, to tell him, that if he continued to traduce the Government, he would be obliged to put him in irons, and if he were to uſe the perſonal language to him that he had expreſſed in any other place, that he (Witneſs) would pull his noſe; but that in a Gaol both their hands were tied. His reflections on Government were, for being committed to priſon. Witneſs was anxious that this man ſhould not ſuppoſe him to be capable of reſentment towards him,

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him, and therefore ſent to him to offer him every accommodation. His conſtant effort has been to make all the Priſoners as comfortable as poſſible; has gone perſonally to both the Butcher and Baker, to charge them to be particular in the quality of their meat and bread.

Has no emolument whatever, or perſonal advantage, directly or indirectly, out of the proviſion, meat, drink, fuel, or candle-light, uſed in it; and never accepted of the ſmalleſt favour from any Priſoner who ever was, or now is in the Gaol. Mr. Maſon ſeems to be extremely inveterate againſt witneſs—He is a Man of a moſt irritable and bad temper.—Knows of no cauſe why Maſon ſhould be ſo inveterate againſt him, other than that witneſs believes by his attention and care, he prevented the eſcape of Emmet, who was Maſon's couſin, and of Ruſſell, both of whoſe eſcape Maſon endeavoured to accompliſh. George Dunn, one of the Keepers, told witneſs, that Maſon had offered him a large ſum of money to procure the eſcape of Emmet, and refers to the evidence of George Dunn.—Witneſs deſired Dunn to carry on an appearance, and to go on with the plan.—Witneſs reported the circumſtance to Mr. Wickham, who approved of the plan.

Was informed by George Dunn, that Maſon attempted to bribe him to let Ruſſell eſcape—believes that Maſon knows that witneſs counteracted his plans, and therefore is hoſtile to him.—Knows no reaſon why Long ſhould be inveterate againſt him, other than witneſs's activity, and endeavours to procure evidence againſt him; namely, in one inſtance, where witneſs traced to Long his having procured a coat to diſguiſe Emmet on his flight. He ordered breakfaſt for the Gaol at as early an hour as convenient; the firſt claſs with tea about nine o'clock; the ſecond claſs, firſt tea, before they were ſeparated; then bread and beer, and now bread and milk—the bread and milk inſtead of beer, at Priſoners deſire.—Dinner at four o'clock, purſuant to the dietary; beef, mutton, lamb, veal, or fiſh.—Sees the proviſions generally every day—they were good in quality.—Whenever complaint was made, he ordered it to be rectified.—Ordered pickling tubs for the meat, and a ſafe to keep it in.

The pickling tubs have not yet been provided.

The Priſoners complained laſt winter of want of vegetables, and believes with cauſe; Dunn the Gaoler told him he could not get them; the vegetables were very ſcarce.

The Priſoners deſired to have covers for the diſhes.—Witneſs got covers for them. The Priſoners had table-cloths in 1798, but the Priſoners then deſtroyed them.

The Priſoners complained of the attendance allowed to them; and particularly, that the ſame man who cleaned their rooms, ſerved their victuals;—this he thought improper, and therefore appointed a man for the purpoſe of ſerving up their victuals.

The water of the Gaol has heretofore been bad; witneſs repreſented this defect, and ſunk a pump, from which they have good water.

The Priſoners once complained, that there was excrement in the ciſtern.—It was examined—and what they called excrement was corks and potatoes, that the Priſoners threw down from their windows, as witneſs was informed by the Gaoler, and believes: Witneſs will have the ciſtern covered, to prevent any ſuch allegation for the future.—The water-cloſets were in a very bad ſtate, and witneſs has got them effectually repaired;—each floor or Corridore has a water-cloſet.

The Priſoners complained of the difficulty of getting to the water-cloſet, upon which witneſs appointed an additional perſon to open their doors, to let them to the privy.—Is convinced the Priſoners ſuffer no inconvenience from this;—would employ more men to this ſervice, if neceſſary.

The ſervice of the victuals is as well conducted as is poſſible in a Gaol—the cook is as clean a ſervant as cooks uſually are;—and the victuals, conſidering the number of perſons to be fed, are as well dreſſed as can be;—thinks a reaſonable ſupply of cheap table linen would be a great comfort to the Priſoners.

Has never ſeen any bad bread; witneſs went to the Baker himſelf, and gave him a particular charge to bake it well.

Thinks dividing the claſs of Priſoners, No. 2, into meſſes of twelve at each table, may ſafely be done;—and he will have that regulation made.

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Thinks the regulation of the diet for each claſs of Priſoners fully ſufficient, but taking the calculation of the firſt claſs of Priſoners at the rate they ſtate, viz. that they do not get more than the value of 1*s*. 11*d*. each, he thinks (if that calculation is true) that Dunn the Gaoler has too great a profit on the Government allowance of 3*s*. 3*d*. per man.—Thinks the proviſion now furniſhed to the Priſoners of the firſt claſs, is equal to what was given to them in 1798, when Government allowed 5*s*. 5*d*. per man.—There was no ſecond claſs at that time; thinks Dunn the Gaoler is a very honeſt man, and extremely proper in his conduct, and therefore witneſs recommended him to Government, who gave him a ſalary of £.100 per annum.

Thinks getting pickling tubs to ſalt the victuals of the firſt and ſecond claſſes, and procuring ſufficient vegetables, would be very proper, and a great convenience to all the Priſoners. Has ordered fires in the common halls to boil eggs and warm drink, &c. for the Priſoners.—As to candle-light, ſome addition may be made to the preſent allowance, and he will order it.

As to firſt claſs, whether there would be any objection to allowing them to air and exerciſe together, Dr. Trevor ſays he ſees no objection to the indulgence; unleſs Government ſhould think it improper to permit certain individuals to aſſociate.

As to thoſe confined to ſolitary impriſonment, believes there are State reaſons for confining Mr. Long; but as to Mr. Maſon, no other of the Priſoners would aſſociate with him, from his *temper* and *foulneſs* of perſon, as he believes.

And now, with an additional yard, there is full ſpace for all the Priſoners to have ſufficient air and exerciſe, without permitting a general aſſociation of them. There are three days in the week allotted to town viſitors to ſee their friends, and three days for the country viſitors. Fifteen minutes are allowed to each Priſoner to ſpeak with his friends;—but no Priſoner is permitted to be with their friends without a Keeper being preſent, unleſs by order of Government.

All viſitors muſt have paſſes.

Fifteen minutes are allowed *to each viſitor*; has always in ſuch caſes, where the Priſoners have particular buſineſs to tranſact, extended their time as long as neceſſary.—Thinks the lower claſs of Priſoners ought not to be indulged with tea for breakfaſt;—thinks the quart of milk and bread that are allowed to each man is fully ſufficient.

Will direct Dunn never to permit the Hangman to carry any thing to the Priſoners.—He generally examined all the Priſoners letters, but in his abſence, Dunn the Gaoler examines them.

Dunn now inſpects the letters. The letters are never delayed or kept back from the Priſoners.

Whilſt the State Priſoners have been in Gaol, he (Mr. Trevor) has fuel and candle-light for himſelf, but not to the abridgment of the Priſoners allowance.

The Priſoners are all in good health.

John Dunn, Gaoler, ſworn.

He ſupplies the Priſoners with ſubſiſtence; is allowed 3*s*. 3*d*. for the firſt claſs per man, and 1*s*. 7½*d*. for ſecond claſs. Furniſhes proviſions according to the annexed Dietary, and gives more meat rather than leſs.

Firſt diet for State Priſoners.

Bread, a pound; half an ounce of tea, three ounces of ſugar, two ounces of butter, half a naggin of milk, at 4*d*. per quart; a pound and a half of beef, mutton, pork, or veal, to be roaſted or boiled occaſionally; the beef and pork to be pickled occaſionally, and fiſh

The ſecond claſs gets a pint of butter-milk and a pint of ſweet milk for breakfaſt; if he cannot get butter-milk, they are allowed three pints of ſweet milk.

Sends to the Priſoners every morning to know what they chooſe for dinner, and dinner is furniſhed accordingly.

Swears that the quality of the meat is the beſt he can get in New Market; he pays 7*d*. per pound round for beef, mutton, lamb, and veal.

Buys his meat from Thomas M^c^Cann, of New Market. He (Dunn) chuſes the meat, unleſs when detained in Court.

Never reckoned his profit upon the Government allowance—apprehends

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fiſh to be given at times inſtead of the pork or beef; potatoes, vegetables, ſalt, muſtard, and pepper; a quart of ſmall beer, half a naggin of whiſkey.

Second diet for State Priſoners.

Bread, a pound; three pints of beer, a pound of beef, potatoes, ſalt, vegetables, &c. to make broth.

Edwd Trevor.

apprehends he loſes by ſupplying the lower claſs; he is obliged to keep a number of ſervants, and to maintain them, for the attendance on the Priſoners.

The water has been bad, becauſe it came from the Liffey, and was affected by the floods; but the pump now ſupplies good water.

Upon complaint that the water in the ciſtern was foul, and even that there was excrement in it, he had it examined and cleaned; and there was nothing but corks and potatoes, that had been thrown out of the window of the room inhabited by Mr. Tandy. Is obliged to pay two Turnkeys £ 25. per annum each, out of his profits on the State Priſoners.

The firſt claſs of Priſoners get ſmall bread, the two-penny loaf; the ſecond, houſehold bread—takes every poſſible care that the bread is good—has often ſent the bread back to the Baker.

He weighs the houſehold bread. Always uſes the ſame bread in his family that is given to the Priſoners.

Dr. Trevor's uniform directions to him is, to have all the Priſoners accommodated as much as poſſible.

Thinks the Priſoners never ſuffered any inconvenience from not getting to the neceſſary when they deſired.

The moment the Priſoners complained of want of attendance, he applied to Dr. Trevor, and was directed by him to get, and he accordingly did get, additional attendance for them.

Mr. Tandy may get his four hours exerciſe in the day, if he would get up as the others do, at ſeven o'clock in the morning. Has heard from George Dunn that Mr. Maſon threatened to ſtab Dr. Trevor with a caſe knive.

The Priſoners now receive the ſame food that thoſe of 1798 had, though there was then an allowance of *5s. 5d.* per man.

Thos M'Cann, Butcher, ſworn.

He furniſhes the Gaol of Kilmainham with meat—he is paid *7d.* per pound for it; and ſwears, that the meat he ſends to the Gaol is of the beſt quality, and worth the money. Sends in his meat twice each week, and the meat is always ſweet and freſh.

Chriſtopher Duff, Baker, ſworn.

Supplies the Gaol of Kilmainham with bread at the uſual prices, and not by contract; and ſwears, he gave better bread to the Gaol than to his other cuſtomers; but ſometimes the flour may be bad, and particularly that it has been bad lately, and at different times. He begged to be forgiven, and promiſed in future to ſupply good bread.

(Signed) W. DOWNES
R. DAY.

A Copy from the original Minute of the Examination.

A. Marſden.

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